

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAFIC SAADEH,

Plaintiff,

-v-

MICHAEL KAGAN, ET AL.,

Defendants.


20 Civ. 1945 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received defendant Joshua Kagan's *pro se* letter-motion for a stay of the judgment pending appeal pursuant to Federal Rule of Civil Procedure 62(b).¹ Dkts. 356–57. For substantially the same reasons set out in the Court's February 14, 2024, order denying a like motion for a stay by Michael Kagan, the Court denies Joshua Kagan's instant motion to the extent it seeks a waiver of Rule 62(b)'s bond requirement. *See* Dkt. 355. This order is of course without prejudice to Joshua Kagan's right to post a bond or other security that, upon approval by this Court, would affect a stay of judgment pending appeal as of right under Rule 62(b).

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: February 16, 2024
New York, New York

¹ Although Joshua Kagan's motion purports to proceed under Rule 62(d), that section pertains only to appeals from a decision on injunctive relief. *See* Fed. R. Civ. P. 62(d). Because that is not the circumstance here, the Court assumes that Joshua Kagan intended to proceed under Rule 62(b), the substance of which was (prior to the Rule's amendment) contained in Rule 62(d). *See* Wright & Miller, Federal Practice & Procedure § 2905 (3d ed.).